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IN THE HIGH COURT OF JUDICATURE OF CHHATTISGARH
AT BILASPUR

WRIT PETITION UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA

W.P. No. 992/ of 2001

PETITIONER

Smt. Devki Bai Sonkar, wife of
Shri Rewaram Sonkar, aged about
29 years, R/o Village Lagra,
Tah. Lormi, Distt. Bilaspur.

Versus

RESPONDENTS

1. State of Chhattisgarh Acting
through Secretary, Mahila &
Bal Vikas Department, Government
of Chhattisgarh, Raipur.
2. Project Officer, Mahila & Bal
Vikas Department, Lormi,
Distt. Bilaspur.
3. Chief Executive Officer
Jampad Panchayat, Lormi
Distt. Bilaspur.
4. Smt. Anjani Bai, wife of Shri
Omprakash Chandrakar, aged
about 23 years, R/o Lagra,
Tah. Lormi, Distt. Bilaspur.
5. Gram Panchayat, Lagra,
Vikas Khand-Lormi, Tah. Lormi
Distt. Bilaspur.

P.R. No. 982/2001
Presented by Shri. N.P. Kela
date 18.6.2001

PETITION UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA



HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.No.992/2001**

**Smt. Devki Bai Sonkar
Vs.
State of Chhattisgarh and others**

Appearance :

Shri K.A. Ansari, Sr. Advocate with Shri N.P.Kela, for the petitioner.

Shri Pankaj Shrivastava, Panel Lawyer for the State/ respondents No.1 & 2.

None for respondents no.3, 4 & 5.

**ORAL ORDER
(10.08.2005)****Sunil Kumar Sinha, J.**

Shri K.A. Ansari, Sr. Advocate with Shri N.P.Kela, counsel for the petitioner.

Shri Pankaj Shrivastava, Panel Lawyer for the State/respondents no.1 and 2.

None for respondents no.3,4 & 5 though served.

Shri Ansari submits that the return has been filed on behalf of respondent 1 and 2 and this petition may be disposed of on the basis of this return without causing prejudice to the other respondents.

Heard Shri Ansari, counsel for the petitioner and Shri Pankaj Shrivastava, Panel Lawyer, who appears for the State/ respondents no.1 & 2.

The petitioner namely Smt. Devki Bai Sonkar had filed this writ petition for quashing the resolution dated 31.8.2000 (Annexure P-9) and also for cancellation of selection/appointment of respondent no.4 namely Smt. Anjani Bai as the Anganbadi Worker (Karyakarta), Gram Panchayat Lagra, Tahsil Lormi, Distt. Bilaspur (C.G).

The submission of learned counsel for the petitioner is that by a resolution dated 15.8.2000 (Annexure P-7), the Gram Panchayat considered the names of 4 persons namely Smt. Devki Bai, Smt. Nandini Bai, Smt. Prema Bai and Smt. Sunita Bai. This panel was decided to be sent to the Project Officer for necessary action. Thereafter, another resolution dated 31.8.2000 (Annexure P-9) was passed and in place of name of Smt. Nandini Bai which was at Serial No.2 of the resolution dated 15.8.2000, the name of Smt. Anjani Bai (respondent no.4) was added and the same was forwarded for necessary action to the Project Officer, Women and Child Development Department. He further submits that in pursuance of the aforesaid resolution dated 31.8.2000 an appointment order was issued in favour of Smt. Anjani Bai (respondent no.4) and she was appointed as an Anganbadi worker in the said Gram Panchayat. Learned counsel for the petitioner submits that after filing of this writ petition and after issuance of the notice, all the respondents caused their appearance and return on behalf of respondents no.1 & 2 has been filed on 04.12.2001. He takes me to the last six lines of Para 1 of the return of the State in which it has been stated that respondent no.4 has already resigned from her post on the ground of being close relative of the Panchas of the village Panchayat. He also draws the attention of this court towards the last line of this

paragraph in which it has been mentioned that the applications received by the Project Officer are pending and will be considered in due course of time as per the directions of this Court.

In view of this reply, learned counsel for the petitioner submits that this petition may be disposed of with a direction to the authorities of the State to consider the candidatures of all the remaining candidates of the resolution dated 15.8.2000 and also dated 31.8.2000 excluding the name of respondent no.4 because she has already resigned from service.

This prayer made by learned counsel for the petitioner is not opposed by the State because the State itself has mentioned in the return that the appointment is to be made but the same is awaiting the result or direction of this court.

I have heard learned counsel for the parties and have also perused the records of the writ petition.

It appears to me that under the Scheme of appointment of Anganbadi workers, names were called upon from the concerned Gram Panchayat and the Gram Panchayat was under obligation to send the panel of suitable persons to the Project Officer and thereafter the competent authority had to pass some order for appointment of Anganbadi workers from the Panel sent by Gram Panchayat. In this matter, first of all, a resolution dated 15.8.2000 was passed and the name of the petitioner as well as the other three persons were considered and it was directed to be forwarded to the Project Officer. Thereafter, another

resolution took place and instead of 4 persons, names of 5 persons were considered and among these 5 persons, respondent no.4 Smt. Anjani Bai was appointed on the said post. Later on Smt. Anjani Devi resigned from the said post and that post is lying vacant.

In the facts and circumstances of the case, this petition is disposed of with a direction to the respondents to consider the names of all the candidates mentioned in the panel which have been sent by the resolutions of the Gram Panchayat dated 15.8.2000 and 31.8.2000 excluding the name of respondent no.4. Among these persons, the concerned authority shall be free to appoint any suitable persons in accordance with law.

With the aforesaid directions, this petition stands finally disposed of.

There shall be no order as to cost.

Sd/-
Sunil Kumar Sinha
Judge

10.8.2005

/Rao/